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05.04.2019
Circuit Bench
rrc
(Rejected)

C.R.M. 75 of 2019

Re : An application for bail under section 439 of the Code of Criminal Procedure, 1973.

In the matter of : **Mominur Mia**

..... petitioner

Mr. Debajit Kundu

.....for the petitioner

Mr. Arun Sarkar
Ms. Namrata Das

..... for the State

The petitioner, in custody since 13th April, 2018, seeks bail in connection with Alipurduar Police Station F.I.R. No. 144/2018 dated 13th April, 2018 under Sections 20(b)(ii)(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereafter the NDPS Act) by filing this application under Section 439 of the Code of Criminal Procedure, 1973.

We have heard learned advocates for the parties and perused the materials in the case diary.

It reveals that 'ganja' was recovered from under the driver's seat of the offending vehicle and the petitioner himself was driving the same on the fateful day. The statutory restriction under Section 37 of the NDPS Act could not be rebutted by the petitioner.

In such view of the matter, we are not inclined to exercise discretion in favour of the petitioner.

Accordingly, C.R.M. 75 of 2019 is rejected.

(Shivakant Prasad, J.)

(Dipankar Datta, J.)